

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:10-cv-00954-FSH -PS**

CANAVAN et al v. HARBECK et al
Assigned to: Judge Faith S. Hochberg
Referred to: Magistrate Judge Patty Shwartz
Cause: 28:1332 Diversity-Fraud

Date Filed: 02/24/2010
Date Terminated: 07/06/2010
Jury Demand: Plaintiff
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

LISSA CANAVAN

represented by **PETER W. SMITH**
BECKER & POLIAKOFF, LLP
45 BROADWAY
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212-599-3322
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

HELEN DAVIS CHAITMAN
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Plaintiff

LESLIE GOLDSMITH

represented by **PETER W. SMITH**
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LEAD ATTORNEY
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HELEN DAVIS CHAITMAN
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Plaintiff

JUDITH KALMAN
*on behalf of themselves and all others similarly
situated*

represented by **PETER W. SMITH**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

HELEN DAVIS CHAITMAN
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V.

Defendant

STEPHEN HARBECK

represented by **ALAN S. NAAR**
GREENBAUM, ROWE, SMITH & DAVIS, LLP
METRO CORPORATE CAMPUS ONE
PO BOX 5600
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PAUL A. ROWE
GREENBAUM, ROWE, SMITH, RAVIN,
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Defendant

TODD S. FARHA

represented by **ALAN S. NAAR**
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LEAD ATTORNEY
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PAUL A. ROWE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

ARMANDO J. BUCELO, JR.

represented by **ALAN S. NAAR**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL A. ROWE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

WILLIAM H. HEYMAN

represented by **ALAN S. NAAR**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL A. ROWE
(See above for address)
LEAD ATTORNEY

Defendant

WILLIAM S. JASIEN

represented by **ALAN S. NAAR**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL A. ROWE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DAVID G. NASON

TERMINATED: 07/06/2010

represented by **ALAN S. NAAR**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL A. ROWE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MARK S. SHELTON

represented by **ALAN S. NAAR**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL A. ROWE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DAVID J. STOCKTON

TERMINATED: 07/06/2010

represented by **ALAN S. NAAR**
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ATTORNEY TO BE NOTICED

PAUL A. ROWE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

UNITED STATES OF AMERICA

represented by **JEFFREY PAUL EHRlich**
U.S. DEPARTMENT OF JUSTICE
P.O. BOX 888
BEN FRANKLIN STATION

| Date Filed | # | Docket Text |
|------------|-----------|---|
| 02/24/2010 | <u>1</u> | COMPLAINT against ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON (Filing fee \$ 350 receipt number 2965744.) JURY DEMAND. Summons Attached., filed by LESLIE GOLDSMITH, LISSA CANAVAN, JUDITH KALMAN. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(dr,) (Entered: 02/24/2010) |
| 02/24/2010 | <u>2</u> | SUMMONS ISSUED as to ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. Issued By *DIANNE C.RICHARDS* (dr,) (Entered: 02/24/2010) |
| 03/05/2010 | <u>3</u> | Letter from Mag. Judge Patty Shwartz advising of some requirements established for the early stages of the litigation. (DD,) (Entered: 03/08/2010) |
| 03/16/2010 | <u>4</u> | NOTICE of Appearance by PAUL A. ROWE on behalf of ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON (ROWE, PAUL) (Entered: 03/16/2010) |
| 03/16/2010 | <u>5</u> | NOTICE of Appearance by ALAN S. NAAR on behalf of ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON (NAAR, ALAN) (Entered: 03/16/2010) |
| 03/16/2010 | <u>6</u> | Letter from Paul Rowe requesting leave to file motion to transfer venue. (NAAR, ALAN) (Entered: 03/16/2010) |
| 03/16/2010 | <u>7</u> | ACKNOWLEDGMENT OF SERVICE Executed by WILLIAM H. HEYMAN. WILLIAM H. HEYMAN served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) (Entered: 03/16/2010) |
| 03/16/2010 | <u>8</u> | ACKNOWLEDGMENT OF SERVICE Executed by STEPHEN HARBECK. STEPHEN HARBECK served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) (Entered: 03/16/2010) |
| 03/16/2010 | <u>9</u> | ACKNOWLEDGMENT OF SERVICE Executed by TODD S. FARHA. TODD S. FARHA served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) (Entered: 03/16/2010) |
| 03/16/2010 | <u>10</u> | ACKNOWLEDGMENT OF SERVICE Executed by ARMANDO J. BUCELO, JR. ARMANDO J. BUCELO, JR served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) (Entered: 03/16/2010) |
| 03/16/2010 | <u>11</u> | ACKNOWLEDGMENT OF SERVICE Executed by WILLIAM S. JASIEN. WILLIAM S. JASIEN served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) (Entered: 03/16/2010) |
| 03/16/2010 | <u>12</u> | ACKNOWLEDGMENT OF SERVICE Executed by DAVID G. NASON. DAVID G. NASON served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) (Entered: 03/16/2010) |
| 03/16/2010 | <u>13</u> | ACKNOWLEDGMENT OF SERVICE Executed by MARK S. SHELTON. MARK S. SHELTON served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) (Entered: 03/16/2010) |

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| 03/16/2010 | <u>14</u> | ACKNOWLEDGMENT OF SERVICE Executed by DAVID J. STOCKTON. DAVID J. STOCKTON served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) (Entered: 03/16/2010) |
| 03/17/2010 | <u>15</u> | TEXT ORDER, (There shall be a telephone conference set for 3/18/2010 10:30 AM before Magistrate Judge Patty Shwartz. Defendant shall initiate the telephone call.)ORDERED by Magistrate Judge Patty Shwartz on 3/17/10. (Liriano, I) (Entered: 03/17/2010) |
| 03/18/2010 | <u>16</u> | Letter from Helen Davis Chaitman. (CHAITMAN, HELEN) (Entered: 03/18/2010) |
| 03/18/2010 | <u>17</u> | ORDER ON INFORMAL APPL. that, no later than 4/6/10, the pltf. &the federal defts. shall advise the Court whether or not the pltf. will be proceeding at this time against the federal defts. or the US; if the claims against the federal defts./US are dismissed, then no sooner than 5 days after such notice &no later than 4/23/10, the private defts. may file a motion to transfer or change venue &the brief in support thereof shall be no longer than 25 pgs; etc.. Signed by Magistrate Judge Patty Shwartz on 3/18/10. (DD,) (Entered: 03/19/2010) |
| 03/18/2010 | <u>1</u> | Minute Entry for proceedings held before Magistrate Judge Patty Shwartz: Telephone Conference held on the record on 3/18/2010. (Court Reporter/Recorder ECR.) (aa,) (Entered: 04/07/2010) |
| 03/25/2010 | <u>18</u> | Application and Proposed Order for Clerk's Order to extend time to answer as to Defendants.. (NAAR, ALAN) (Entered: 03/25/2010) |
| 03/26/2010 | <u>1</u> | CLERKS TEXT ORDER – The Application for a Clerks Order Extending Time to Answer – Document #18 submitted by (A. NAAR) on (3/25/10) has been GRANTED. The answer due date has been set for (4/12/10). (DD,) (Entered: 03/26/2010) |
| 03/31/2010 | <u>19</u> | Letter re <u>17</u> Order on Oral Motion,, (CHAITMAN, HELEN) (Entered: 03/31/2010) |
| 03/31/2010 | <u>20</u> | Letter from Alan S. Naar requesting conference re <u>19</u> Letter. (NAAR, ALAN) (Entered: 03/31/2010) |
| 04/01/2010 | <u>21</u> | Letter from from Alan S. Naar confirming telephone conference time and date. (NAAR, ALAN) (Entered: 04/01/2010) |
| 04/05/2010 | <u>22</u> | ORDER ON INFORMAL APPL. that, no later than 4/9/10, the US shall file its motion to substitute itself as a pty; opposition due 4/19/10; replies due 4/26/10; return date 5/3/10; that, no later than 4/23/10, the nonfederal defts. may file a motion to transfer; opposition due 5/3/10; replies due 5/10/10; return date 5/17/10; denying the request for a stay of disc.; denying pltf's' request for leave to file a partial motion for summary judgment on liability; etc.. Signed by Magistrate Judge Patty Shwartz on 4/5/10. (DD,) (Entered: 04/06/2010) |
| 04/05/2010 | <u>1</u> | Minute Entry for proceedings held before Magistrate Judge Patty Shwartz: Telephone Conference held on the record on 4/5/2010. (Court Reporter/Recorder ECR.) (aa,) (Entered: 04/22/2010) |
| 04/06/2010 | <u>23</u> | Transcript of Proceedings held on April 5, 2010, before Judge Shwartz. Court Reporter/Transcriber King Transcription Services, Telephone number 973–237–6080. NOTICE REGARDING REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this Transcript. Redaction Request due 4/27/2010. Redacted Transcript Deadline set for 5/7/2010. Release of Transcript Restriction set for 7/6/2010. (ji,) (Entered: 04/08/2010) |
| 04/09/2010 | <u>24</u> | MOTION to Substitute Party by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Brief, # <u>2</u> Certification, # <u>3</u> Text of Proposed Order)(EHRlich, JEFFREY) (Entered: 04/09/2010) |
| 04/12/2010 | <u>1</u> | Set Deadlines as to <u>24</u> MOTION to Substitute Party. Motion set for 5/3/2010 before Judge Faith S. Hochberg. The motion will be decided on the papers. No appearances required unless notified |

by the court. (DD,) (Entered: 04/12/2010)

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| 04/14/2010 | <u>25</u> | NOTICE of Appearance by PETER W. SMITH on behalf of LISSA CANAVAN, LESLIE GOLDSMITH, JUDITH KALMAN (SMITH, PETER) (Entered: 04/14/2010) |
| 04/19/2010 | <u>26</u> | BRIEF in Opposition re <u>24</u> MOTION to Substitute Party <i>Plaintiffs' Opposition to Motion to Substitute the United States as a Party</i> filed by LISSA CANAVAN, LESLIE GOLDSMITH, JUDITH KALMAN. (CHAITMAN, HELEN) (Entered: 04/19/2010) |
| 04/19/2010 | <u>27</u> | CERTIFICATE OF SERVICE by LISSA CANAVAN, LESLIE GOLDSMITH, JUDITH KALMAN re <u>26</u> Brief in Opposition to Motion <i>Plaintiffs' Opposition to Motion to Substitute the United States as a Party</i> (CHAITMAN, HELEN) (Entered: 04/19/2010) |
| 04/23/2010 | <u>28</u> | MOTION to Transfer Case to United States District Court for the Southern District of New York for Referral to Bankruptcy Court by ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON. (Attachments: # <u>1</u> Brief in Support of Motion to Transfer Case, # <u>2</u> Affidavit of Alan S. Naar, # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service)(NAAR, ALAN) (Entered: 04/23/2010) |
| 04/26/2010 | <u>28</u> | Set Deadline as to <u>28</u> MOTION to Transfer Case to United States District Court for the Southern District of New York for Referral to Bankruptcy Court. Motion set for 5/17/2010 before Judge Faith S. Hochberg. The motion will be decided on the papers. No appearances required unless notified by the court. (sr,) (Entered: 04/26/2010) |
| 04/26/2010 | <u>29</u> | REPLY to Response to Motion re <u>24</u> MOTION to Substitute Party filed by UNITED STATES OF AMERICA. (EHRlich, JEFFREY) (Entered: 04/26/2010) |
| 04/28/2010 | <u>30</u> | Letter from Jeffrey Paul Ehrlich, on behalf of the United States of America, re <u>28</u> MOTION to Transfer Case to United States District Court for the Southern District of New York for Referral to Bankruptcy Court. (EHRlich, JEFFREY) (Entered: 04/28/2010) |
| 05/03/2010 | <u>31</u> | MEMORANDUM in Opposition re <u>28</u> MOTION to Transfer Case to United States District Court for the Southern District of New York for Referral to Bankruptcy Court <i>Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Transfer Venue</i> filed by LISSA CANAVAN, LESLIE GOLDSMITH, JUDITH KALMAN. (Attachments: # <u>1</u> Certificate of Service)(CHAITMAN, HELEN) (Entered: 05/03/2010) |
| 05/10/2010 | <u>32</u> | REPLY BRIEF to Opposition to Motion re <u>28</u> MOTION to Transfer Case to United States District Court for the Southern District of New York for Referral to Bankruptcy Court filed by ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON. (Attachments: # <u>1</u> Certificate of Service)(NAAR, ALAN) (Entered: 05/10/2010) |
| 06/28/2010 | <u>33</u> | Letter from Helen Davis Chaitman. (CHAITMAN, HELEN) (Entered: 06/28/2010) |
| 07/01/2010 | <u>34</u> | Letter from Trustee To the Court regarding Pending Motion. (SHEEHAN, DAVID) (Entered: 07/01/2010) |
| 07/06/2010 | <u>35</u> | ORDER granting <u>28</u> Motion to Transfer Case to SO. DIST. OF NY ***CIVIL CASE TERMINATED; granting <u>24</u> Motion to Substitute Party. DAVID G. NASON and DAVID J. STOCKTON terminated. Signed by Judge Faith S. Hochberg on 7/6/10. (DD,) (Entered: 07/07/2010) |